IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

(1) CRIMINAL WRIT PETITION NO.1150 OF 2005

R.C.Goenka ..Petitioner
(Ori.Accused)

Vs.

The State of Maharashtra ..Respondent/
(Ori.Complainant)

....
Mr.Rajendra Sorankar with
Mr.Prabhu Das Advocate for Petitioner
Mr.Rajesh More A.P.P. for the State
....

WITH

(2) CRIMINAL WRIT PETITION NO.1151 OF 2005

R.C.Goenka ..Petitioner
(Ori.Accused)

Vs.

The State of Maharashtra ..Respondent/
(Ori.Complainant)

....
Mr.Rajendra Sorankar with
Mr.Prabhu Das Advocate for Petitioner
Mr.Rajesh More A.P.P. for the State
....

WITH

(3) CRIMINAL WRIT PETITION NO.1152 OF 2005

R.C.Goenka ..Petitioner
(Ori.Accused)

Vs.

The State of Maharashtra ..Respondent/
(Ori.Complainant)

....
Mr.Rajendra Sorankar with
Mr.Prabhu Das Advocate for Petitioner
Ms.S.V.Gajare A.P.P. for the State
....

WITH
(4) CRIMINAL WRIT PETITION NO.1153 OF 2005

R.C.Goenka ..Petitioner
(Ori.Accused)

Vs.

The State of Maharashtra ..Respondent/
(Ori.Complainant)

....
Mr.Rajendra Sorankar with
Mr.Prabhu Das Advocate for Petitioner
Mr.Rajesh More A.P.P. for the State
....

WITH
(5) CRIMINAL WRIT PETITION NO.1154 OF 2005

R.C.Goenka ..Petitioner
(Ori.Accused)

Vs.

The State of Maharashtra ..Respondent/
(Ori.Complainant)

....
Mr.Rajendra Sorankar with
Mr.Prabhu Das Advocate for Petitioner
Mr.M.S.Mhambry A.P.P. for the State
....

WITH
(6) CRIMINAL WRIT PETITION NO.1155 OF 2005

R.C.Goenka ..Petitioner
(Ori.Accused)

Vs.

The State of Maharashtra ..Respondent/
(Ori.Complainant)

....

Mr.Rajendra Sorankar with
Mr.Prabhu Das Advocate for Petitioner
Mr.S.R.Shinde A.P.P. for the State

....

WITH

(7) CRIMINAL WRIT PETITION NO.1156 OF 2005

R.C.Goenka ..Petitioner
(Ori.Accused)

Vs.

The State of Maharashtra ..Respondent/
(Ori.Complainant)

....

Mr.Rajendra Sorankar with
Mr.Prabhu Das Advocate for Petitioner
Mr.V.B.Konde-Deshmukh A.P.P. for the State

....

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 13, 2005

P.C.

1. Heard the learned advocate for the petitioner and learned A.P.P. for the State.

2. The Petitioner has prayed for quashing of Criminal Case Nos. 1924/ss/05 being old case No.453/S/1995, 1922/ss/05 and original case no.

451/S/1995, 1923/ss/05 original case No. 452/S/1995, 1918/ss/05 being old case No.445/S/1995, 1921/ss/05 original case No.450/S/1995, 1920/ss/05 original case No.448/S/1995 and 1919/ss/05 original case No.449/S/1995 respectively pending in the Court of learned Metropolitan Magistrate, 30th Court, Ballard Estate, Mumbai. In the said cases, process has been issued against the Petitioner under Sections 138 r.w. 141 of Negotiable Instruments Act. Against the said order, the Petitioner had moved the revision before the Sessions Court which came to be rejected by the Sessions Court in view of the decision of the Apex Court in the case of **Subramaniam Sethuraman Vs. State of Maharashtra and another; 2005(1) Mh.L.J. 626**. Hence, the petitioner has approached this Court.

3. For the reasons recorded in my order dated 8th June, 2005 in Criminal Application No. 645 of 2005 and Criminal Writ Petition No. 213 of 2005, in my view, it is clear that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in

my view, it would be appropriate that the said revision be considered afresh by the concerned Sessions Court. Order of the Sessions Court dated 17.1.2005 is set aside.

4. The concerned Sessions Court shall dispose of the revision on merits after hearing necessary parties.

5. The petitioner is granted exemption from personal appearance before the trial Court on 2.7.2005. All the contentions of the parties are left open.

6. All the writ petitions are disposed of.

[V.K.TAHILRAMANI,J]